

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: CHRISTENSEN=9A

In re Patent of:)	Conf. No.: 1706
CHRISTENSEN et al.)	
U.S. Patent No. 7,869,011)	Washington, D.C.
Issued: January 11, 2011)	
)	November 22, 2011
For: APPARATUS AND METHODS FOR)	
ANALYSIS AND SORTING OF...)	

RESPONSE TO DECISION ON PETITION

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

On September 1, 2011, Applicants file a Petition to Correct Name of Assignee on Granted Patent and a Request for Certificate of Correction.

The Petition explained that “the issue fee transmittal incorrectly designated the assignee as NOVO NORKISK A/S”; and that it should have been listed as NOVO NORDISK A/S” as “evidenced by the attached copy of the Patent Assignment Abstract of Title page printed from the records of the PTO”.

The attached Abstract of Title, listed two assignments:

- (1) from the inventors to Versamatrix A/S, recorded 07/09/2007, and
- (2) from Versamatrix A/S to Novo Nordisk A/S, recorded 12/11/2007.

The petition was dismissed because “the request under 37 CFR 3.81(b) was not accompanied by a statement that the assignment was submitted for recordation before issuance of the patent”.

It is respectfully submitted that by providing a copy of the Abstract of Title, which in turn indicated that the assignment was recorded in 2007 – thus plainly submitted before the

issuance of the patent in 2011 – Applicants satisfied the requirement of a statement of pre-issuance submission of the assignment. That is, 37 CFR 3.81(b) does not dictate that the “statement” be in a particular form.

Indeed, on October 4, 2011 when the PTO granted the certificate of correction after all, we assumed that the decision on petition had been reconsidered. (However, on November 10 the PTO mailed a notice vacating that certificate of correction, and prompting this response.)

Should the Petitions Examiner disagree on reconsideration that previously filed papers, taken as a whole, satisfy the statement requirement, Applicants now state that the assignment of Novo Nordisk A/S was submitted for recordation prior to the issuance of the patent.

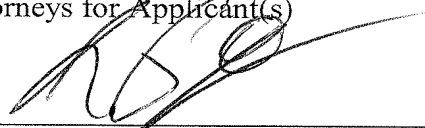
The granting of the Petition and the Request for Certificate of Correction is now respectfully solicited.

Please charge any further fee required for such relief to Deposit Account 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



Iver P. Cooper

Registration No. 28,005

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

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